UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	DOCUMENT ELECTRONICALLY FILED DOC #:_ DATE FILED: 4/18/2024
AARON ABADI,	
Plaintiff,	:
	: 23-cv-4033 (LJL)
-V-	:
	: <u>ORDER</u>
AMERICAN AIRLINES et al.,	:
	:
Defendants.	:
	:
	X

LEWIS J. LIMAN, United States District Judge:

Before the Court is Plaintiff's February 2024 motion to remove Defendant Aerofloat as a Defendant and for alternative service of several defendants. Dkt. No. 217. For the following reasons, the motion is granted in part and denied in part.

Plaintiff's request to remove Aerofloat as a defendant in the action is granted pursuant to Rules 15, 21, and the Court's inherent powers. *See, e.g., Zinnamon v. Profound Color, LLC*, 2023 WL 6882415, at \*1 n.1 (S.D.N.Y. Oct. 17, 2023).

Plaintiff also seeks to serve several defendants who, although this case has been pending before this Court for nearly a year, still have not been served. Dkt. No. 17. Specifically, Plaintiff seeks to serve three airline defendants—China Air, China Southern, and Sun Country—by mailing the summons and complaint via certified mail and email. *Id.* However, Plaintiff has failed to cite any authority in support of his request that he be permitted to use alternative service, and fails to address the applicability of Federal Rule of Civil Procedure 4(c)(2), which prohibits service by a party in the action. Accordingly, Plaintiff's motion for alternative service is denied without prejudice to refiling, which must be made by May 3, 2024, to avoid further

Case 1:23-cv-04033-LJL Document 366 Filed 04/18/24 Page 2 of 2

prejudicing the three defendants who have gone unserved in the eleven months since this action was filed.

For the foregoing reasons, Plaintiff's motion to remove Aerofloat as a defendant in the action is GRANTED. Plaintiff's motion for alternative service is DENIED without prejudice to refiling with legal authority by May 3, 2024.

SO ORDERED.

Dated: April 18, 2024

New York, New York

LEWIS J. LIMAN United States District Judge